

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

UNITED STATES OF AMERICA)	
)	
)	
)	
v.)	DOCKET NO. 3:10-cr-00182-RJC
)	
MICHAEL T. RAND)	

STIPULATION AND PROTECTIVE ORDER

WHEREAS, the United States of America (the "Government") has requested that Beazer make available for examination to Defendant certain electronic data pursuant to Federal Rule of Evidence 1006 (the "electronic data");

WHEREAS, the electronic data to be made available for examination pursuant to Federal Rule of Evidence 1006 may include documents protected from disclosure by the attorney-client privilege or attorney work-product protection;

WHEREAS, Beazer is desirous of facilitating the examination expeditiously and efficiently, without the delays and expense that will result from pre-production review for privilege and work product;

WHEREAS, the Government and Defendant agree that making such electronic data available for examination, which may include documents protected

by the attorney-client privilege or attorney work-product protection of documents, will not constitute a waiver of applicable protections;

WHEREAS, Federal Rule of Evidence 502(d) provides that a federal court may order that the attorney-client privilege or work-product protection is not waived by disclosure connected with the litigation pending before the court; and

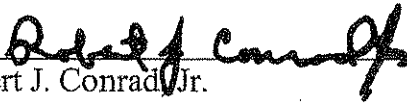
WHEREAS, “when a confidentiality order governing the consequences of disclosure . . . is entered in a federal proceeding, its terms are enforceable against non-parties in any federal or state proceeding. ” *See* FED. R. EVID. 502, Advisory Committee Notes (2007);

NOW, THEREFORE, IT IS STIPULATED, AGREED AND ORDERED AS FOLLOWS:

1) For good cause shown, the Court enters this Stipulation and Protective Order to expedite Beazer’s making available for examination pursuant to Federal Rule of Evidence 1006 certain electronic data, and to protect against disclosure of attorney-client privileged communications or work-product materials. Beazer’s making available for examination the electronic data that is subject to an objection on the basis of attorney-client privilege or work-product protection, will not be deemed to waive Beazer’s claim to its privileged or protected nature or prevent Beazer from designating the information or document as attorney-client privileged or subject to the work-product doctrine at a later date.

2) This Stipulation and Protective Order shall be governed by
Federal Rule of Evidence 502(d).

IT IS SO ORDERED this 4th day of October, 2011.


Robert J. Conrad Jr.
Chief United States District Judge

CONSENTED TO AND AGREED:

/s/ Kurt W. Meyers

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